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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

October 28, 2010

Re: Notice of *Ex Parte* Presentation

RE: Docket Nos. 09-158, 98-170, 04-36, RM-11592, 05-265, RM-11497, 10-133

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on October 27, 2010, Chris Riley and Joel Kelsey of Free Press; Parul P. Desai of Consumers Union; Michael Calabrese and Sascha Meinrath of the New America Foundation; Beth McConnell of the Media and Democracy Coalition; Andrew Jay Schwartzman of Media Access Project; and Rashmi Rangnath of Public Knowledge met with Ruth Milkman, Jeffrey Tignor, Jim Schlichting, Jane Jackson, William Huber, Margaret Wiener, Eddie Richardson, Dorothy Stifflemire, Ty Bream, Susan Singer, Patrick DeGraba, Blaise Scinto, Roger Noel, Tom Peters, Elizabeth Lyle, and Catherine Mataves of the Wireless Telecommunications Bureau.

Representatives of a broad range of public interest organizations active before the Commission discussed their objectives in consumer and spectrum policies impacting users of wireless devices and services. Throughout our discussion, the group's emphasis was on policy reforms that could transform a closed and carrier-centric industry into one where users choose devices independent of services; where service plans are fair, not punitive; and where service providers compete effectively and fairly. The group discussed device interoperability within the 700 MHz band, emphasizing that technological obstacles to the development of devices that work across a range of carriers come along with policy and political obstacles raised by service providers seeking to constrain consumer choice and portability by discouraging vendors from producing such devices. The latter, in particular, require careful Commission observation and likely will require active intervention. Both categories of obstacles must be overcome before users of mobile services can have a meaningful choice of device and service provider, leading to greater competition and innovation in the wireless industry. Similarly, the group reiterated our universal support for action to introduce greater transparency and oversight related to early termination fees, and to impose limits or prohibitions on current widespread practices of exclusive agreements for handsets, consistent with our past filings. These proceedings are distinct from, yet broadly related to, interoperability as ways to produce an environment more conducive to open consumer choice of service provider and competition among providers over price and quality of wireless service, free from artificial constraints imposed by short-sighted and harmful business practices.

We reiterated as well our support for the Commission's proposal to extend automatic roaming obligations from voice services to data services. Consistent with our previous filings, we stated that such rules are necessary to promote competition within the wireless industry, and to empower consumers of rural and regional wireless services to enjoy the benefits of mobile broadband nationwide, without being subject to extraordinary cost. We also reiterated our calls for the Commission to develop data specifically on competition in mobile broadband services, rather than relying solely on data for the wireless industry generally.

We also encouraged the Commission to move forward in its Truth-in-Billing proceeding, to identify and determine the accuracy of current wireless billing practices related to mobile broadband services in particular. Broadly, we illustrated the possibility of a consumer-centric model for the mobile broadband industry, where stand-alone data services could be available for any device whether smartphone or netbook; where service prices were unbundled from device prices and where ETFs are more properly described as payments on an installment plan for a transparently disclosed expensive device; and where consumers are charged fair rates for their use of wireless services, and not charged for any data usage over WiFi and home networks.

Sincerely,

/s/ Chris Riley

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CC: Ruth Milkman, Jeffrey Tignor, Jim Schlichting, Jane Jackson, William Huber, Margaret Wiener, Eddie Richardson, Dorothy Stifflemire, Ty Bream, Susan Singer, Patrick DeGraba, Blaise Scinto, Roger Noel, Tom Peters, Elizabeth Lyle, Catherine Matraves